



23 July 2018

Director, Online Content and eSafety Section
Department of Communications and the Arts
GPO Box 2154
Canberra ACT 2601
By email: onlinesafety@communications.gov.au

Dear Director,

Reviews of the Enhancing Online Safety Act 2015 and the Online Content Scheme — discussion paper

Thank you for the opportunity to provide a written submission to the Reviews of the *Enhancing Online Safety Act 2015* and the Online Content Scheme — discussion paper (the review).

The Australian Human Rights Commission provided a submission to the 2014 Department of Communications consultation into *Enhancing Online Safety for Children*.¹ A copy of this submission is attached. This submission provided detailed information regarding the Commission's position on children's rights in the context of cyber-bullying. This position remains unchanged.

The Commission's submission to this review does not comment on the specific provisions of the *Enhancing Online Safety Act 2015* or the operation of the Online Content Scheme. Rather, the Commission's submission provides broad support for the role of the eSafety Commissioner in enhancing online safety for all Australians and protecting and promoting human rights.

The Commission acknowledges the good work of the eSafety Commissioner in relation to her efforts to educate the general public about issues relating to online safety. The Office of the eSafety Commissioner has a wealth of expertise in technology use and in developing educational, promotional and community awareness programs on online safety for all Australians.

In particular, the Commission commends the valuable information, education and practical resources developed by the Office of the eSafety Commissioner on children and young people's online safety, to help women manage technology risks and abuse, and in relation to the safe use of the internet by older Australians.

This work recognises the multiple intersecting forms of disadvantage experienced by diverse members of the community, such as children, women, members of the culturally and linguistically diverse population, older people and Aboriginal and Torres Strait Island people. The information, education and resources are an important pro-active means to prevent discrimination in the rapidly developing area of technology.

The Commission has a positive relationship with the Office of the eSafety Commissioner. The National Children's Commissioner, Megan Mitchell, is a member of the Online Safety Consultative Working Group (OSCWG), which was established by the eSafety Commissioner to provide advice to government about online safety issues. The National Children's Commissioner has developed a positive and collaborative working relationship with the eSafety Commissioner as a result of the OSCWG, and welcomes the opportunity to continue working together on projects and initiatives that will ensure the safety of children and young people in digital environments.

The Sex Discrimination Commissioner, Kate Jenkins, also has a productive working relationship with the eSafety Commissioner through a shared commitment to leverage technology to advance gender equality and also to minimise the negative effects of technology in violence against women, including in the context of family and domestic violence, online sexual and misogynistic abuse, image-based abuse, abuse of human rights defenders and sexual harassment.

For example, from 2018 the Sex Discrimination Commissioner, together with the eSafety Commissioner and the Digital Industry Group Incorporated, will meet quarterly with the Minister for Women, the Hon Kelly O'Dwyer MP, to consider current initiatives and future innovative measures to make cyberspace safer for women and girls. In addition, the work of the eSafety Commissioner has been showcased at the United Nations both at the Commission on the Status of Women in New York in March 2018, and at the Australian Government's appearance before the Committee on the Elimination of Discrimination against Women in Geneva in July 2018.

The Sex Discrimination Commissioner also welcomes the expertise of the eSafety Commissioner in contributing to the forthcoming consultations for the National Inquiry into sexual harassment in Australian workplaces, which includes an examination of online workplace-related sexual and sex-based harassment and

the use of technology and social media to perpetrate workplace-related sexual and sex-based harassment, as well as the use of technology and social media to identify both alleged victims and perpetrators of workplace-related sexual harassment.

The eSafety Commissioner has also developed positive relationships with state and territory human rights commissions and other federal human rights commissioners, through engagement with the Australian Council of Human Rights Agencies.

The Commission looks forward to continuing its collaborative working relationship with the eSafety Commissioner.

Thank you for the opportunity to provide a submission to this review.

Yours sincerely,

A handwritten signature in black ink that reads "Rosalind Croucher". The signature is written in a cursive, flowing style.

**Emeritus Professor Rosalind Croucher AM
President**

¹ Australian Human Rights Commission, *Submission to the Department of Communications: Enhancing Online Safety for Children* (5 March 2014). At: <https://www.humanrights.gov.au/submissions/enhancing-online-safety-children> (viewed 18 July 2018).